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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,365	03/16/2004	Dov Z. Glucksman		3794

59861 7590 05/02/2006

MEYER CORPORATION, U.S.
ATTN: EDWARD S. SHERMAN, ESQ.
ONE MEYER PLAZA
VALLEJO, CA 94590

EXAMINER

SOOHOO, TONY GLEN

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

5

Office Action Summary

Application No.

10/802,365

Applicant(s)

GLUCKSMAN ET AL.

Examiner

Tony G. Soohoo

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5-27-2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 6, 8-19, 21, 23-31, 33, 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Zendler Des 328588.

It is noted that the structure may be fully capable of being operated in either clock-wise or counter-clock-wise direction to produce a trailing edge or leading edge. In this case the figure 1 device may be rotated in the clock-wise direction thereby the ***trailing*** edge of the opening would be the angled wall and sides forming the trailing edge, or alternately the figure 1 device may be rotated in the **counter** clock-wise direction thereby the ***leading*** edge of the opening would be the angled wall and sides forming the leading edge.

It is noted that the limitation of the outer side angle of an angle “approximately 80 degrees”. The modifier “approximately” affords a broadening of the scope of the limit of “80 degrees” which does not limit the bounds to of the lower value to exactly 80 degrees, but to other values.

Also the modifier “substantially” in the phrase “substantially parallel to the side wall”, the word “substantially” encompasses a relatively wide range of values. See, for example, In re Sinex, 135 USPQ 302 (CCPA 1962), where a substantially horizontal

surface was claimed and was deemed met by a reference whose surface was at nine(9) degrees from the horizontal.

3. Claims 6-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Mitchell 4499445 or alternately Mitchell 4589778 (same patent family)

It is noted that the structure may be fully capable of being operated in either clock-wise or counter-clock-wise direction to produce a trailing edge or leading edge. In this case device, such as in figure 3, may be rotated in the clock-wise direction thereby the **trailing** edge of the opening would be the angled wall and sides forming the trailing edge as located to the above left of the numeral 44a, or the right of the numeral 44b, or below 44c ; or alternately the device may be rotated in the **counter clock-wise** direction thereby the **trailing** edge of the opening would be the angled wall and sides forming the **trailing** edge as located above 44c, or located below right of 44a, or to the left of 44b.

It is noted that the outer side angle is 70 degrees which is deemed as being in the scope of lower bounds of an angle "approximately 80 degrees". The modifier "approximately" affords a broadening of the scope of the limit of "80 degrees" which does not limit the bounds to of the lower value to exactly 80 degrees, but to other values such as 70 degrees.

Also the modifier "substantially" in the phrase "substantially parallel to the side wall", the word "substantially" encompasses a relatively wide range of values. See, for

example, In re Sinex, 135 USPQ 302 (CCPA 1962), where a substantially horizontal surface was claimed and was deemed met by a reference whose surface was at nine(9) degrees from the horizontal.

It is also note that the leading edge as the wider straight portion when operated in the clockwise direction and trailing edge may be deemed as the smaller curved portion opening and the sides are the intersecting wall portions connecting the curved leading and trailing edges which has a portion of the walls which form angles to the curved portion.

Conclusion

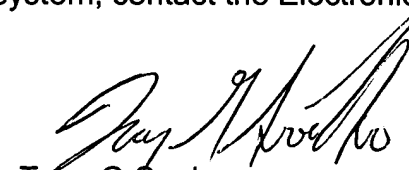
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bravo 4964333, Conn 2692127, O'Connor 2984462, Hill 3462131, Franklin 660185, Ney 4861255, Frith 5797728, Serner 2626135, Holt 623668, and 5490727, and Korshenewsky 2598469 all disclose disk type mixers with openings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony G. Soohoo whose telephone number is (571) 272 1147. The examiner can normally be reached on 7-5PM,Tue-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1723

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tony G Soohoo
Primary Examiner
Art Unit 1723
